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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,897	12/10/1999	TOM GIAMMARRESI	SEDN/047	9422

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EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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03/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 09/458,897</p>	<p><b>Applicant(s)</b> GIAMMARRESI, TOM</p>	
	<p><b>Examiner</b> ANNAN Q. SHANG</p>	<p><b>Art Unit</b> 2623</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Annan Q Shang/  
Primary Examiner, Art Unit 2623

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 01/29/08 have been fully considered but they are not persuasive.

With respect to claims 1 and 3-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt et al (6,195,680) in view of Ohran et al (5,812,748), Applicant, discusses the prior arts of record and argues that "...disagrees with the Examiner interpretation that Goldszmidt teaches a server that performs concurrent processing of session-state data on one video session..." (see page 8 of 12+ of Applicant's Remarks).

In response to Applicant's arguments, Examiner disagrees with Applicant. Examiner notes Applicant's arguments, however, As discussed in the office action below, Goldszmidt clearly discloses the server (Fig. 1-3) which performs concurrent processing of session-state data of the video session using a distributed managing module associate with the server controller, i.e., el. 2.1 of Fig. 2 or 3.1 of Fig. 3 by maintaining the delivery of the multimedia stream to the client 2.5, for example Fig. 3(a) the original connection link 3.9 fails, the control server 3.1 redirects the requested multimedia stream from server 3.6 to server 3.7 through link 3.12 under the request from the client agent 3.5. Goldszmidt does not disclose is a dedicating secondary head-end controller (similar to server controller 2.1 of Fig. 2 or 3.1 of Fig. 3) having the same managing module for concurrently processing of the session-state data of the requested video session through a distributed managing module environment. To cure this deficiency, Ohran discloses a dedicating 2nd server in which the processing of any (sub-parts) session-state is processed through distributed managing module concurrently on both primary server and secondary dedicated server in which the distributed managing module is associated with both primary and secondary dedicated server (see Fig. 7; Col. 11, lines 51-Col. 12, line 6). As discussed above, the combination of Goldszmidt and Ohran, produces a system having two (2) server controllers, i.e., a primary server controller 3.1 and secondary dedicating server controller 3.1', as taught by Ohran, which performs concurrent processing of any session-data of the video session (requested video session from a client) using a distributed managing module on both primary and secondary dedicated server controllers and to further utilize the resource of both redundant server controllers. Moreover, the combination increases the system fault-tolerance by reducing the downtime to zero (0). Hence, applicant's arguments are not persuasive; the 103(a) rejection is proper meets all the claim limitations. The finality of the last office action is hereby maintained.